

ADMINISTRATIVE - INTERNAL USE ONLY

OLC 77-2450

14 June 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM: George L. Cary, Legislative Counsel

SUBJECT: PRM-11 Implementation -- Task Force
Memorandum #1

1. ☐ Action Requested: None: information only.

2. ☐ Background: As we approach the decisional phases of the PRM-11 process, it may be helpful to examine the capabilities and prospects of the three different vehicles--Executive Order, reorganization plan, legislation--available for implementing decisions. This is done in the attached matrix.

3. ☐ Executive Order vs. Reorganization Plan.
The time factor between the two is not substantially different, if everything goes smoothly. However, the scope of management consolidation topics which can be legally addressed in an Executive Order is much narrower than in a reorganization plan.

4. ☐ Reorganization Plan vs. Legislation.
Legislation to accomplish management consolidation probably would take the better part of 18 months to pass the Congress and the result might not be completely satisfactory to the Executive. Legislation would of necessity go beyond mere management consolidation and would cover the entire gambit of restrictions and require initiative and momentum by assorted committees in both Houses, and then would have to face a fairly prolonged debate on the floor in both Houses. The opportunities for stalling, whittling away, and encroaching upon Executive prerogatives are limitless. In contrast, a reorganization plan by definition is fairly benign, dealing as it does with economy, efficiency and effective management. The Reorganization Act calls for the use of its faster procedures when delay through the normal legislative process would not serve the public interest of achieving economy, efficiency, etc. Furthermore, reorganization would fit in with the Administration's game plan on achieving more effective Government through reorganization. There are obstacles to a reorganization plan and the 60-day period for congressional veto would be suspended during the August recess. On the other hand, the scuttling of such a plan requires a veto by the Congress within the 60-day period and the President has the right to adjust his plan within 30 days of its submission to Congress to accommodate strong congressional reaction against it on specific points. The opportunity for torpedoing a reorganization plan

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by vested interests is a great deal more circumscribed than in the case of legislation. On the larger public issues, economy and effective management must be considered a plus. This may be somewhat offset if the specter of distrust of intelligence is raised and there is a reaction against creating a more powerful "monster." Other doubts may center on the need to preserve competing centers for the production of national intelligence because of its critical importance to our national survival.

STAT 5. The attached matrix attempts to delineate what is perceived as possible desirable objectives in management consolidation. There are a number of permutations of each of these objectives. For example, line control of budget and fiscal responsibility may require legislation but at a minimum, a reorganization plan. However, if what is desired is the type of staff control exercised by the Office of Management and Budget, it is conceivable that this can be accomplished through Executive Order. We are studying some of these permutations in the interest of determining the legal underpinnings which are required to support them.

George L. Cary

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Attachments:
As stated

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SUBJECT: Alternatives for Consolidating the Management of National Intelligence -- CIA/NSA/NRO

	<u>Existing Legislation</u>	<u>Executive Order</u>	<u>Reorganization Plan</u>	<u>New Legislation</u>
TASKING	Authority exists in National Security Act of 1947	Yes	Yes	Yes
PRODUCTION/ ANALYSIS	Yes	Yes	Yes	Yes
BUDGET/ FISCAL	?	?	Yes	Yes
PROPRIETY	No	No	Yes	Yes
LINE CONTROL (incorporating all of the above)	No	No	Yes	Yes

	<u>Executive Order</u>	<u>Reorganization Plan</u>	<u>New Legislation</u>
ADVANTAGES TO THE PRESIDENT	His own document; no Congressional approval required.	Presidential proposal, for economy/efficiency (aim of Reorganization Act). Time limit requires Congress to act within 60 days. Congress has only a reactive veto. Congress shares responsibility if it does not veto.	Congress accepts major responsibility.
CONGRESSIONAL REACTION	President has promised not to preempt Congress- sional charter-writing. Coordination with Con- gress should be close. Legislation can follow.	Plan would go to Government Operations Committee in House (Chairman Brooks; members include critics Harrington, Drinan, Moffett); to Government Affairs in Senate (Chair- man Ribicoff; members include McClellan, Jackson, Nunn). Attitude of leadership in Congress, SSCI in Senate, other oversight committees, would be key.	Requires initiative by several committees in both chambers, unrealistic before end of 1978; election year with big Senate turnover predicted. Also permits Congressional insertion of restrictions on Executive prerogatives.

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